

Appln. No. 10/068,827
Amdt. dated: December 3, 2004
Reply to Office Action dated September 16, 2004

REMARKS

These remarks are set forth in response to the Office Action dated September 16, 2004. This reply is timely filed. At the time of this Office Action, claims 1-10 and 19-27 were pending in the application. Claims 22-27 were allowed. Claims 1-6, 9, 10 and 19-21 were rejected. Claims 7 and 8 were objected to. The rejections are set out in more detail below.

I. Double Patenting

Claims 1-6, 9, 10 and 19-21 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,497,190 to Lewit (hereinafter "Lewit") in view of U.S. Patent No. 5,262,230 to Becker (hereinafter "Becker"). A terminal disclaimer in accordance with 37 CFR §1.321(c) is enclosed to overcome this rejection. Also enclosed is a Statement Under §3.73(b). Please charge the fee associated with the filing of a terminal disclaimer pursuant to §1.20(d) to Deposit Account No. 50-2884. Accordingly, withdrawal of the obviousness-type double patenting rejection is respectfully requested.

II. Allowable Subject Matter

Applicant notes with appreciation that the Examiner has indicated claims 7-8 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In view of the fact that a terminal disclaimer has now been filed, the rejection of the base claim is believed to have been overcome. Accordingly, Applicant respectfully declines to amend claims 7 and 8 at this time.

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III. Conclusion

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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